

**UNITED STATES DISTRICT COURT**  
NORTHERN DISTRICT OF TEXAS  
Fort Worth Division

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

v.

Case Number: 4:20-CR-269-Y(1)

Errin Martin, assistant U.S. attorney

ERIC PRESCOTT KAY

Cody L. Cofer, attorney for the defendant

On February 17, 2022, the defendant, Eric Prescott Kay, was found guilty by a jury on counts one and two of the two-count superseding indictment. Accordingly, the defendant is adjudged guilty of such counts, which involve the following offenses:

<u>TITLE &amp; SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE CONCLUDED</u>	<u>COUNT</u>
21 U.S.C. § 846 (21 U.S.C. § 841(a)(1) and (b)(1)(C))	Conspiracy to Possess with Intent to Distribute a Controlled Substance	July 31, 2019	1 superseding
21 U.S.C. §§ 841(a)(1) and (b)(1)(C)	Distribution of a Controlled Substance Resulting in Death and Serious Bodily Injury	June 2019	2 superseding


The defendant is sentenced as provided in pages two through three of this judgment. The sentence is imposed under Title 18, United States Code § 3553(a), taking the guidelines issued by the United States Sentencing Commission under Title 28, United States Code § 994(a)(1), as advisory only.

The defendant shall pay immediately a special assessment of \$200.00 for counts one and two of the two-count superseding indictment.

Upon motion of the government, counts one and two of the two-count indictment filed October 15, 2020, are dismissed as to this defendant only.

The defendant shall notify the United States attorney for this district within thirty days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Sentence imposed October 11, 2022.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE

Signed October 12, 2022.

## **IMPRISONMENT**

The defendant, Eric Prescott Kay, is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a term of 235 months on count one of the two-count superseding indictment and 264 months on count two of the two-count superseding indictment, to run concurrently with count one of the two-count superseding indictment, for an aggregate sentence of 264 months.

The Court recommends that the defendant be incarcerated at a facility within the state of California, if possible.

The defendant is remanded to the custody of the United States marshal.

## **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years on count one of the two-count superseding indictment and 3 years on count 2 of the two-count superseding indictment, to run concurrently.

The defendant, while on supervised release, shall comply with the standard conditions recommended by the U. S. Sentencing Commission at §5D1.3(c) of the United States Sentencing Commission Guidelines Manual, and shall:

not commit another federal, state, or local crime;

not possess illegal controlled substances;

not possess a firearm, destructive device, or other dangerous weapon;

cooperate in the collection of DNA as directed by the probation officer, as authorized by the Justice for All Act of 2004;

report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Federal Bureau of Prisons;

refrain from any unlawful use of a controlled substance. The defendant must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court;

participate in outpatient mental-health treatment services as directed by the probation officer until successfully discharged, which services may include prescribed medications by a licensed physician, with the defendant contributing to the costs of services rendered (copayment) at a rate of at least \$25 per month; and

participate in an outpatient program approved by the probation officer for treatment of narcotic or drug or alcohol dependency that will include testing for the detection of substance use, abstaining from the use of alcohol and all other intoxicants during and after completion of treatment, contributing to the costs of services rendered (copayment) at the rate of at least \$25 per month.

## **FINE/RESTITUTION**

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

**RETURN**

I have executed this judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
United States marshal

BY \_\_\_\_\_  
deputy marshal